

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4925

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RUBEN ALVARADO VELASQUEZ, a/k/a Edgar
Rodriguez Rivera,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L. Voorhees,
District Judge. (CR-02-46)

Submitted: July 20, 2005

Decided: August 17, 2005

Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Christopher R. Clifton, GRACE, HOLTON, TISDALE & CLIFTON, P.A.,
Winston-Salem, North Carolina, for Appellant. Robert J. Conrad,
Jr., United States Attorney, Gretchen C. F. Shappert, Assistant
United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Ruben Alvarado Velasquez appeals his guilty-plea conviction and sentence for possession with intent to distribute more than 500 grams of cocaine, in violation of 21 U.S.C. § 841(a) (2000). Velasquez's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), challenging the sufficiency of the evidence, but stating that he finds no meritorious grounds for appeal. Velasquez declined to file a pro se supplemental brief despite being informed of his right to do so. Finding no reversible error, we affirm.

In the Anders brief, counsel raises the potential issue of whether the district court complied with the requirements of 21 U.S.C. § 851(b) (2000). We find that Velasquez was given ample opportunity to challenge the existence of this prior conviction, and declined to do so. Accordingly, any challenge to the use of the prior conviction is precluded. United States v. Campbell, 980 F.2d 245, 252 (4th Cir. 1992).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Velasquez's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such petition would be frivolous, then

counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED